

RICHARD R. WAITE (SBN 97942)
MARY M. BEST (SBN 110220)
KEENEY WAITE & STEVENS
A Professional Corporation
125 North Acacia Avenue, Suite 101
Solana Beach, CA 92075
Telephone: (858) 523-2130
Facsimile: (858) 523-2135

Attorneys for Plaintiff REID JILEK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

REID JILEK, an individual,
Plaintiff,

v.

EPITOME PHARMACEUTICALS
LIMITED, a Nova Scotia limited
corporation,
Defendant.

Case No. 08 CV 0658 IEG WMc

**PLAINTIFF'S MOTION TO
DISQUALIFY DEFENDANT'S
ATTORNEYS**

Date: July 14, 2008
Time: 10:30 a.m.
Courtroom: #1, 4th Floor
Hon. Irma Gonzalez
Trial: None Set

TO DEFENDANT EPITOME PHARMACEUTICALS LIMITED AND TO ITS
ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on July 14, 2008, at 10:30 a.m., or as soon thereafter as the
matter may be heard in Courtroom 1 of the above-entitled Court, located at 940 Front Street, San
Diego, CA, Plaintiff REID JILEK will, and hereby does, move the Court to disqualify Defendant's
attorneys, DLA Piper, from representing Defendant in this matter.

The motion is based upon Rule 3-310(E) of the California Rules of Professional Conduct and
California Business & Professional Codes § 6068(e), and caselaw which indicates that Defendant's
current law firm should be disqualified from representation of the Defendant in this matter based

1 upon the fact that one of its former attorneys represented the Plaintiff regarding the same contract
2 which forms the basis of this current litigation.

3 This motion will be based upon the Declarations of Reid Jilek and Mary Best, the points and
4 authorities filed herewith, and all other court documents and records on file herein.

5 Dated: May 28, 2008

KEENEY WAITE & STEVENS
A Professional Corporation

6
7 By: Mary Best
8 Richard R. Waite
9 Mary M. Best
Attorneys for Plaintiff REID JILEK